

COMPLY WITH HOST-NATION, FEDERAL, STATE, AND LOCAL ENVIRONMENTAL LAWS AND REGULATIONS

Subcourse EN5707

EDITION A

United States Army Engineer School
Fort Leonard Wood, Missouri 65473

5 Credit Hours

Edition Date: March 1998

SUBCOURSE OVERVIEW

In recent years, the US Army's concern for the environment has increased. The Army Chief of Staff, General Dennis Reimer, has stated, "Environmental responsibility involves all of us. The environmental ethic must be part of how we live and how we train. We must seize the opportunities to do things smarter and better. By working together, we can forge a premiere environmental stewardship program. Protection of the environment is the key to ensuring we can continue to conduct tough, realistic training and keep the Army trained and ready in the future." Army leaders within most military structures are placed in positions to develop, approve, and implement courses of action that determine the squad's, platoon's, company's, battalion's, or brigade's environmental status. Their visibility also places their personal and professional actions under close public scrutiny. Their actions create public perceptions of how well the Army is performing its environmental stewardship mission. All leaders, therefore, have an inherent and professional responsibility to understand and support the Army's environmental program. This subcourse will assist leaders in meeting this responsibility.

Work must be accomplished in a manner that is consistent with environmental laws and regulations.

The lessons in this subcourse reflect the doctrine which was current at the time the subcourse was prepared. In your own work situation, always refer to the latest official publications.

Unless otherwise stated, the masculine gender of singular pronouns is used to refer to both men and women.

TERMINAL LEARNING OBJECTIVE:

ACTION: You will learn about the host-nation (HN), federal, state, and local environment laws and regulations.

CONDITION : You will be given the material contained in this subcourse and an ACCP examination response sheet.

STANDARD: To demonstrate proficiency of this task, you must achieve a minimum of

70 percent on the subcourse examination.

Table of Contents

Subcourse Overview

Lesson 1 Environmental Strategy

Practice Exercise

Lesson 2 Environmental Laws and Regulations

Practice Exercise

Lesson 3 Environmental Program

Practice Exercise

Lesson 4 Environmental Training

Practice Exercise

Appendix A: List of Common Acronyms

Appendix B: Recommended Reading List

LESSON 1

ENVIRONMENTAL STRATEGY

OVERVIEW

LESSON DESCRIPTION:

In this lesson, you will learn about the Army's environmental strategy into the twenty-first century and the Army's mission. The strategy focuses on good stewardship practices to conserve and preserve natural and cultural resources through high leadership standards so that the resources will be available for present and future generations to use.

TERMINAL LEARNING OBJECTIVE:

ACTION: You will list the four continuous efforts of the Army's environmental strategy, describe the environmental model, list the model's four pillars, and define the key building blocks. You will also describe the four challenges supporting the Army's environmental program and define the Army's environmental ethic.

CONDITION: You will be given the material contained in this lesson.

STANDARD: You must complete the lesson and the practice exercise.

REFERENCE The material contained in this lesson was derived from TC 20-401.
:

INTRODUCTION

Among the many challenges facing the Army today, one of the most important is preserving our national resources while conducting realistic training. In order to remain trained and ready, we must protect the environment now and in the future through implementation of the Army's environmental strategy.

1-1. Army Environmental Ethic. Stewardship is the cornerstone of the Army's environmental ethic. This means caring for the environment because it is the right thing to do. By considering the effects of training and operations on the environment and by properly handling and disposing of hazardous waste (HW), the damage to the environment can be reduced. While training for the next war, doing what is right for the environment helps ensure that training areas are available to conduct realistic training.

1-2. Vision Statement. "The Army will integrate environmental values into its mission in order to sustain readiness, improve the soldier's quality of life, strengthen community relationships, and provide sound stewardship of resources." This vision statement communicates the Army's commitment to the environment. The statement defines the Army's military and civil works leadership role in environmental management. Throughout the strategic-planning process, the main values and themes that have evolved for a vision of the future are to demonstrate leadership, be environmental stewards, and care for the environment as an integral part of the overall Army mission.

1-3. Strategy. The Army's strategy for preserving the environment is founded on four continuous efforts. First, leaders at all levels must give immediate priority to sustained compliance with all environmental laws and regulations. Second, the Army will continue to restore previously contaminated sites as quickly as funds permit. Third, units must focus their efforts on pollution prevention to reduce or eliminate pollution at the source. Fourth, leaders must ensure that both natural and cultural resources are conserved and preserved so that they will be available for future generations. To be on a firm foundation, these efforts require the Army to build on its core competencies and to develop an integrated approach. This integrated approach includes six critical elements, which are-

- Commit the chain of command.
- Organize for success.
- Spread the environmental ethic.
- Train and educate the force.
- Prioritize Army resources.
- Harness market forces.

Guided by this strategy, the Army will achieve the established goals and objectives to accomplish environmental stewardship. This strategy will enhance the Army's mission, reduce the Army's direct cost, and eliminate future cost to the Army, the nation, and the environment. This strategy will establish the Army as a steward of all the environmental resources entrusted to it.

1-4. Environmental Strategy Model. [Figure 1-1](#) shows the Army's environmental strategy model. This strategy is founded on the bedrock of shared national values, which tie the Army to the nation and give it stability. The key building blocks-people, resources, communication, and management and organization-provide the foundation for all Army activities, to include environmental stewardship. These building blocks support the Army's tradition of leadership. Strong commitment to each part of the foundation is critical to ensure a solid base for environmental initiatives and for long-term success. Army leadership, coupled with the building blocks of the environmental model, provides a sound footing for the four pillars-compliance, restoration, prevention, and conservation. These pillars symbolize the Army's environmental program. Maximum support for the Army mission is realized when all four pillars are strong and well balanced.

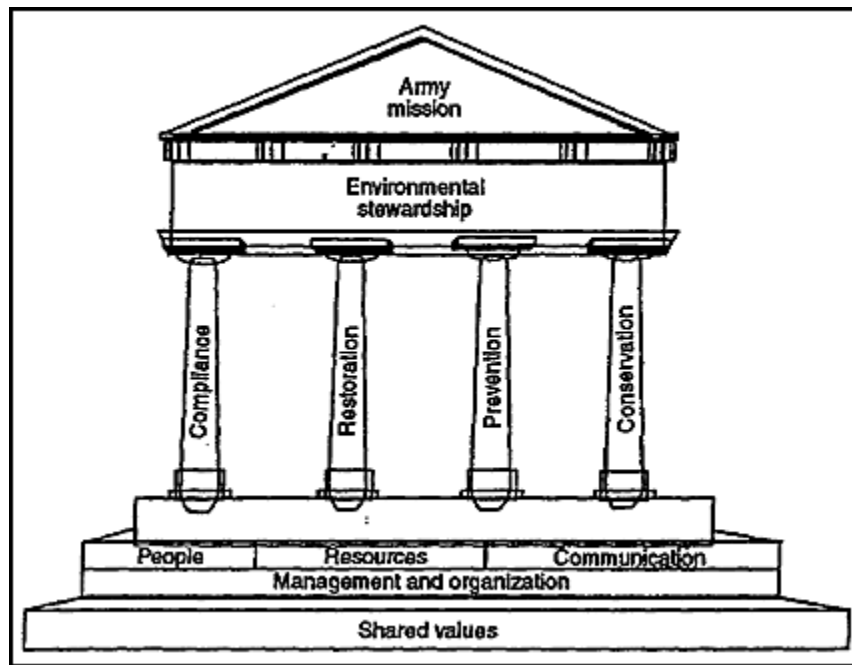


Figure 1-1. Army's environmental strategy model

a. Compliance Pillar. This pillar addresses all activities to ensure that current operations conducted on Army installations meet federal, state, local, and HN environmental requirements and Army regulations. The Army will sustain compliance at all sites in the US and abroad. It must also establish good relationships with communities and regulators.

b. Restoration Pillar. The restoration pillar includes all activities necessary to clean up contaminated sites at Army installations. The Army works closely with the other federal agencies, state and local government, and HNs to define cleanup requirements and schedule remediation activities.

c. Prevention Pillar. This pillar focuses on eliminating pollution at the source; this includes reducing or eliminating hazardous-material (HM) use and HW generation. All phases of the material-management life cycle from cradle to grave are included. Prevention is generally achieved in a hierarchical process, starting with source reduction. The amount of waste generated is reduced by changing process inputs, seeking environmentally acceptable or less-toxic material, or increasing efficiency by reusing materials and by-products and treating residuals before discharge.

d. Conservation Pillar. The conservation pillar includes two different types of resource management-conservation and preservation.

(1) Conservation focuses on responsibly using Army land to ensure long-term natural-resource productivity so that the Army can achieve its mission.

(2) Preservation, which focuses on resource protection, is essential for ensuring the future of valuable national resources. The Army exercises numerous preservation techniques and programs. These programs are exercised in concert with the US Soil Conservation Service, the US Forest Service, the US Fish and Wildlife Service, and other federal and state agencies. They are devoted to land use, conservation, and maintenance of training areas, natural resources, and historical and cultural sites.

1-5. Military Relevance. The Army's environmental activities are inextricably linked with its challenges and imperatives. The environmental program supports the Army in meeting the following four challenges:

- Maintain the edge.
- Reshape the force.
- Provide resources to the force.
- Strengthen the total force.

These four challenges include keeping the Army's six imperatives in balance. The imperatives are-

- Winning doctrine.
- Appropriate force mix.
- Quality force.
- Continuous modernization.
- Competent, confident leaders.
- Tough, realistic training.

Environmental leadership is the key ingredient for a successful Army of the future. Environmental leadership can be achieved only if environmental, natural, and cultural resource concerns are integrated into Army decision-making and environmental activities.

LESSON 1

PRACTICE EXERCISE

The following items will test your grasp of the material covered in this lesson. When you have completed the exercise, check your answers with the [answer key](#) below. If you answer any of the questions incorrectly, study again that part which contains the portion involved.

1. List the four continuous efforts that the Army's environmental strategy is founded on.

2. Describe the environmental model and list the model's four pillars.

3. What are the key building blocks that make up the foundation of all Army activities?

4. The environmental program supports the Army in meeting what four challenges?

5. Define the Army's environmental ethic.

PRACTICE EXERCISE
ANSWER KEY AND FEEDBACK

- 1 List the four continuous efforts that the Army's environmental strategy is founded on.

.
First, leaders at all levels must give immediate priority to sustained compliance with all environmental laws and regulations. Second, the Army will continue to restore previously contaminated sites as quickly as funds permit. Third, units must focus their efforts on pollution prevention to reduce or eliminate pollution at the source. Fourth, leaders must ensure that both natural and cultural resources are conserved and preserved so that they will be available for future generations.

- 2 Describe the environmental model and list the model's four pillars.

.
This strategy is founded on the bedrock of shared national values, which tie the Army to the nation and give it stability. Army leadership, coupled with the building blocks of the environmental model, provides a sound footing for the four pillars-compliance, restoration, prevention, and conservation.

- 3 What are the key building blocks that make up the foundation of all Army activities?

.
The key building blocks-people, resources, communication, and management and organization-provide the foundation for all Army activities, to include environmental stewardship.

- 4 The environmental program supports the Army in meeting what four challenges?

- .
● Maintain the edge.
● Reshape the force.
● Provide resources to the force.
● Strengthen the total force.

- 5 Define the Army's environmental ethic.

.
This means caring for the environment because it is the right thing to do.

LESSON 2

ENVIRONMENTAL LAWS AND REGULATIONS

OVERVIEW

LESSON DESCRIPTION:

In this lesson, you will learn about the sources of environmental laws and regulations that impact upon the Army. You will also examine how Army operations can violate these laws and what penalties and liabilities are assessed for environmental offenses.

TERMINAL LEARNING OBJECTIVE:

ACTION: You will list and discuss the purposes of seven federal environment laws. You will list and discuss the four types of environmental laws and regulations affecting soldiers and installations. You will also describe what kinds of penalties are assessed for violating environmental laws and explain sovereign immunity.

CONDITION: You will be given the material contained in this lesson.

STANDARD: You must complete the lesson and the practice exercise.

REFERENCE : The material contained in this lesson was derived from AR 200-1 and TC 20-401.

INTRODUCTION

Environmental protection is a complicated subject. Not only does it use scientific concepts, but environmental laws are being written and changed daily. Consult your local judge advocate general (JAG) office for the latest changes or interpretations. It is important that you understand there are two basic ways to violate environmental laws and regulations-through negligence or purposeful acts.

- Negligent acts are environmentally damaging actions of which a commander, leader, or supervisor should have had knowledge. For example, the chain of command fails to ensure that HM, such as solvents, are stored and accounted for properly. As a result, some containers leak and contaminate the soil and nearby streams.
- Purposeful acts, on the other hand, are environmentally damaging actions that are deliberately directed or performed by a commander, leader, or supervisor with full knowledge of the action's illegality.

The penalties assessed against installations are generally the same for negligent acts as they are for purposeful acts. However, military personnel can be held personally liable for purposeful acts.

2-1. Environmental Laws. There are seven federal environmental laws that you should understand, because they affect many of the activities you perform each day.

- a. The National Environmental Policy Act (NEPA) was passed in 1969.

(1) Purpose. The NEPA requires the Army to determine the environmental impacts of proposed actions. If the proposed action will harm the environment, the Army must develop a plan to eliminate or minimize the damage.

(2) Requirements. Unit leaders must-

- Consider the environmental consequences of their actions.
- Follow-
 - Environmental guidelines set forth in the unit's standing operating procedure (SOP).
 - Installation regulations and mission orders.
- Identify-
 - The areas of environmental concerns.
 - The mission-related environmental risks.
 - The potential of environmental factors on the mission and operations.
 - The alternative training scenarios and techniques.
- Discuss the environmental risks in training meetings and briefings.

b. The Resource Conservation and Recovery Act (RCRA) originated in 1976; the first implementing regulations were promulgated in 1980. The RCRA was reauthorized in 1984 with major additional regulations.

(1) Purpose. The RCRA governs how the Army identifies, transports, stores, and disposes of HM and HW. The RCRA places cradle-to-grave responsibility for HW on the personnel or units generating the waste. It also governs recycling and reuse of nonhazardous materials and wastes.

(2) Requirement. Unit leaders must-

- Ensure that the unit's-
 - SOP covers HW and HM, including spill contingencies.
 - Environmental-compliance officer/noncommissioned officer (NCO) is properly trained and that training documentation is on file.
- Collect and turn in HW and HM according to local and installation procedures, both in garrison and in the field.
- Cleanup, report, and document any hazardous spills properly.
- Transport HW according to local and installation procedures.
- Report the location of any unexploded ordnance.
- Conduct maintenance involving HM only after being trained.
- Maintain a current HM inventory and a material safety data sheet (MSDS) for every HM in the unit.
- Support the installation recycling program.

- Remove materials such as expended brass, communications wire, concertina, booby traps, and propellant chars from training sites.
- Conduct police calls to collect and dispose of solid-waste materials (trash).
- Collect and turn in HW and HM according to the unit's SOP.
- Know what-

- HM are used on the job or at home.

- HW are produced by unit personnel as they perform their jobs.

c. The Clean Water Act (CWA) was passed in 1972 and amended in 1977.

(1) Purpose. The CWA applies to facilities that put pollutants into bodies of water. The CWA affects groundwater, storm water, surface water (lakes, rivers, and streams, marshes, swamps, wetlands, coastlines, and navigable waterways).

(2) Requirements. Unit leaders must-

- Know the locations of surface water and groundwater.
- Plan and conduct training, operations, and logistics activities-
- To avoid surface water and groundwater areas.
- Without contaminating or causing unnecessary damage to wetlands or coastal water areas.
- Cross streams and ditches only at designated vehicle crossings.
- Ensure that soldiers-
- Use designated vehicle wash areas and do not perform maintenance or refuel vehicles or equipment where a spill can easily contaminate surface water or groundwater.
- Do not pour chemicals into sinks or storm drains.
- Report all spills/releases to the chain of command according to the installation spill contingency plan (ISCP).
- Dispose of liquid waste from kitchens, showers, and baths properly.
- Avoid entering terrain drainage areas with vehicles unless the area is dry and the ground will support such activities.
- Avoid tactical maneuvers in erosion-susceptible areas and refill fighting positions.
- Ensure that soldiers use designated vehicle wash areas and do not perform maintenance or refuel vehicles or equipment in wetlands or coastal-water areas.
- Verify range restrictions with range control.
- Brief soldiers on environmental and safety considerations before field training.
- Never pour chemicals, solvents, or HW into storm drains.
- Never improperly dispose of chemical, solvents, or HW in sinks, toilets, or drains.
- Clean up spills in the work area immediately.

d. The Clean Air Act (CAA) was passed in 1970 and amended in 1977 and 1990.

(1) Purpose. The CAA requires the Army to prevent, control, and/or reduce air pollution from nontactical vehicles, facilities, and operations.

(2) Requirements. Unit leaders must-

- Advise the chain of command about air-pollution sources.
- Identify and correct sources of air pollution (dust control in training areas, excessive exhaust emissions from poorly maintained vehicles, and so forth).
- Use riot control and smoke agents only in approved training areas.
- Meet state inspection standards for their privately owned vehicles (POV).
- Observe local fire and burning restrictions.
- Follow local dust-control guidelines on tank trails and range roads.

e. The National Historic Preservation Act (NHPA) was passed in 1966.

(1) Purpose. The NHPA seeks to help safeguard against the loss of irreplaceable historical, archeological, and cultural properties, especially those on federal lands. The NHPA requires Army installations to identify, protect, and preserve possible archaeological resources, historical sites, artifacts, and structures that are located on its installations.

(2) Requirements. Unit leaders must-

- Identify and recognize possible historical and archeological artifacts, sites and structures.
- Plan and conduct training, operations, and logistics activities to avoid damage to historical and archeological artifacts, sites, and structures.
- Instruct soldiers to leave historical and archeological artifacts in place and to report newly discovered items to the chain of command.
- Report the discovery of historical and archeological artifacts, sites, and structures to the chain of command.
- Report vandalism, theft, and damage to historical and archeological artifacts, sites, and structures.

f. The Endangered Species Act (ESA) was passed in 1973.

(1) Purpose. The ESA protects threatened and endangered plants and animals. Army installations often include natural areas that are the last remaining refuge for endangered plants and animals. Almost every military training area has some endangered species.

(2) Requirements. Unit leaders must-

- Avoid-
 - Actions that could harm protected plants and animals or their habitats at the installation or any off-post training areas.
 - Damage to marked wildlife food plots or watering areas.
- Recognize threatened or endangered species habitat and avoid them during training, operations, and logistics activities.

- Mark environmentally sensitive areas as restricted-movement areas during field training.
- Consult with the environmental office for other local requirements relating to wildlife and natural vegetation.
- Avoid-
 - Cutting branches and trees for camouflage.
 - Marked-off habitat areas during training and operations.
- Comply with the installation endangered-species management plan.
- Recognize signs and markers that indicate protected habitat areas.
- Follow installation regulations for hunting, fishing, and camping.
- Obey range-control guidelines for cutting brush and trees for camouflage.

g. The Federal Facilities Compliance Act (FFCA) was passed in 1993.

(1) Purpose. The FFCA determines how environmental laws affect military installations. It allows regulatory agencies such as the Environmental Protection Agency (EPA) to impose civil fines and administrative actions on other federal agencies, including the Army, for solid-waste and HW violations.

(2) Requirements. Unit leaders must-

(a) Comply with local and installation environmental laws.

(b) Know that states have authority to impose fines on agencies and departments and impose criminal penalties on their personnel.

(c) Cooperate with environmental inspectors.

(d) Perform self-assessments of their work area to ensure that they are complying with environmental guidelines.

(e) Inform their chain of command when they discover environmental problems.

2-2. Environmental Laws Affecting Soldier's Actions. Soldiers should understand that there are basically four types of environmental laws and regulations that affect installation environmental policy. These are HN, federal, state, and local laws. Army installations do not make up the rules that they must follow. The US Congress enacts laws to address environmental problems that citizens express concern over. The departments and agencies of the federal government then carry out these laws. Additionally, state and local governments enact environmental laws. US Army installations are subject to federal, state, and local environmental laws. Installations located in foreign countries must obey HN laws. It is important for soldiers and their leaders to understand that environmental policies will change from one installation to another, depending on the applicable laws. Although it may be confusing, there are reasons that installation policies differ. Because of these differences, it is also important that soldiers know how to determine the installation's environmental policies.

a. Host-Nation Laws. Outside the continental US (OCONUS), installations must respect and obey the environmental laws of the HN in their daily operations. In most instances, the agreements that allow installations to exist on foreign soil require that the installation comply fully with the HNs

environmental laws and policies. One problem with this is that many HN standards and laws have not been translated into English and may not be available to US personnel. Also, in some countries (such as Japan and Korea), environmental standards are much lower than in the continental US (CONUS). Other countries (such as Germany) have much higher standards. US federal guidelines and laws will be followed to the maximum extent possible in HNs with low standards.

b. Federal Laws. The federal government enacts and carries out environmental laws as follows:

(1) The Constitution provides the legal basis for US government agencies.

(2) Congress provides direction for the armed forces by federal statutes.

(3) The President provides directions to the US military forces through executive orders.

(4) DOD provides direction to installations by directives and instructions.

(5) Various agencies develop regulations when authorized by Congress. These regulations are published in the Federal Register and then printed in the Code of Federal Regulations (CFRs). The EPA is the primary federal agency regulating pollution control on military facilities.

(6) US courts affect military installations by their decisions. These could be injunctions (prohibitions against action), court orders, final decisions, or settlement agreements.

(7) Department of the Army (DA) provides guidance to installations through ARs.

c. State and Local Laws. State environmental laws, regulations, and administrative orders also apply to installations. Given the regional differences of these laws, soldiers need to understand that what was environmentally permissible at one installation may not be permissible at another. For example, many installations in the lower 48 states allow soldiers to dig "cat-hole" latrines but installations in Alaska do not.

2-3. Enforcement by Federal and State Agencies.

a. Federal Administrative Agencies. The executive branch of the government functions through a system of administrative agencies. The rules, regulations, and general orders of these agencies (EPA, for example) have the force and effect of law. An agency, through its regulations, may implement a statute but may not weaken it or be in conflict with it. An administrative agency may not invoke penalties or criminal liability unless specifically directed to do so by statute. Enforcement of a pollution-control statute by the EPA, for example, would typically follow this sequence:

(1) First, EPA inspectors find some problem during an inspection. EPA then notifies the installation of the deficiencies and requests correction. If a second inspection indicates that corrections have not been made, EPA issues a notice of violation (NOV). EPA will require the installation to correct the defects within 30 days. An unsatisfactory response might lead EPA to issue an administrative fine and/or a formal compliance order. The installation would then have to negotiate a compliance schedule. This schedule plans for corrections over an extended time frame without fines (or without further fines). [Figure 2-1](#) shows what could happen if corrections are not made.

Convictions at Aberdeen

What started as a slow leak in a chemical storage tank ended in May 1989 with the conviction of three DA civilian managers of the Chemical Research Development and Engineering Center, Aberdeen Proving Ground, MD, under the RCRA. In June 1988, the three men were indicted for the illegal storage and disposal of HW between June 1983 and August 1986. All three men were indicted on five criminal counts; each could have led to a five-year prison sentence and a \$250,000 fine. The hazardous-chemical spilled into Canal Creek, a tributary of the Gunpowder River, which feeds into the Chesapeake Bay.

—From National Defense, March 1993.

Figure 2-1. Convictions

(2) Continued failure to correct the problem might lead EPA to turn the matter over to the Justice Department for prosecution. In court, a judge could issue an injunction against continuation of the polluting activity, devise a compliance schedule that EPA would agree to, or assess fines.

(3) Most environmental laws provide for large fines that may be assessed per violation per day. Therefore, pollution can become extremely costly to installations that avoid correcting problems.

(4) EPA does not usually fine federal agencies or turn them over for prosecution. Instead, EPA will attempt to negotiate a compliance agreement. Appropriating funds to correct pollution-control problems usually takes several years, and having one federal agency sue another would just waste those funds.

b. State Enforcement. Primacy is attained when a state demonstrates that it can control pollution as strictly as the federal government would do. This authorizes the state to conduct inspections and enforce environmental laws. All the methods of enforcement for the EPA are then available to the states.

(1) Unlike EPA, however, states have no procedural or organizational reasons not to enforce action on federal facilities. Therefore, a state may issue NOV's, compliance orders and schedules, and fines. They can also sue a federal agency as long as the original waiver of sovereignty in the federal law allows it. Remedies available to states vary, depending on which law is involved. For example, a state can fine a specific military installation for continuing, but not past violations under the CAA. CAA applies to continuing violations only.

(2) Under the RCRA, a state can only enforce requirements on military installations by taking the matter before a judge. The law suggests that judges may issue compliance orders or schedules and even shut down the activity until corrections are made.

2-4. Penalties. Violating a procedural law may result in an order to stop the action or project until the procedure is followed correctly. There is no direct fine and no prison term imposed.

a. Local, State, and Host-Nation Environmental Laws.

(1) Some state and local governments have additional environmental laws. Actions that are allowed by the environmental laws of one state may be illegal in another state. The installation environmental coordinator (EC) knows what state laws apply to your installation.

(2) Many of the countries that you might deploy to also have different environmental requirements. Army units in foreign countries must follow the environmental guidelines of the HN.

When units deploy to other states or countries, your leaders should inform you of changes in environmental requirements.

b. Environmental Penalties.

(1) Federal and state environmental regulatory agencies can impose penalties on the Army for violating environmental laws. These penalties include fines, increased monitoring and intervention by environmental regulators, and damage awards from lawsuits.

(2) If you violate environmental laws or allow others to do so, you may be prosecuted by military authorities under the Uniform Code of Military Justice (UCMJ) or in Federal District Court.

(3) If you are convicted of environmental violations, you may receive fines up to \$25,000 per day of violation and imprisonment of up to 15 years, see [Figure 2-2](#).

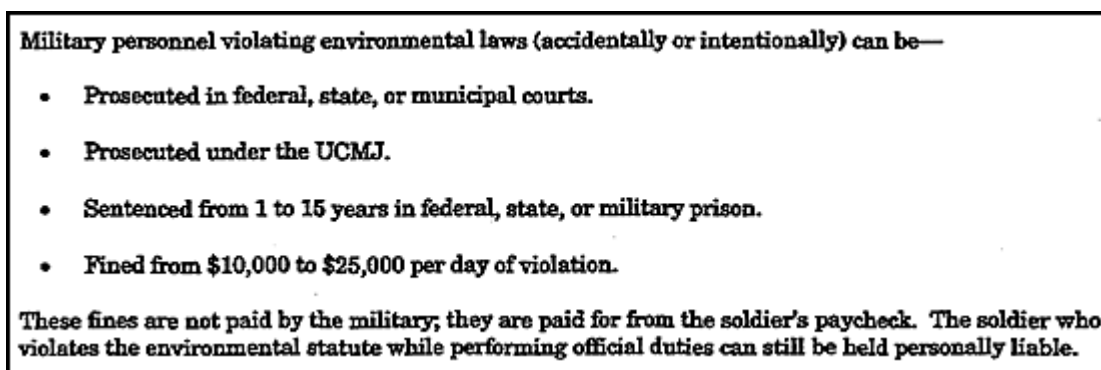


Figure 2-2. Penalties

2-5. Sovereign Immunity. Litigation directed against a defense agency or one of its agents may be barred by the doctrine of sovereign immunity. The courts maintain that public hires the government to pass lawful, constitutional actions or lawfully made discretionary decisions. Therefore, someone who objects to such actions or decisions, must get Congress to change the law. Exceptions are-

a. Federal Tort Claims Act. Military installations cannot claim immunity in environmental matters if an injury occurs. In some cases, when fault is obvious, the military claims office may settle out of court rather than pay for an expensive trial. Noise nuisances often fall into this category. For example, if noise from low-level aircraft overflights have clearly caused a farmer's chickens to stop laying, the farmer has suffered an injury and is allowed to sue.

b. Administrative Procedures Act. Government officials (including military personnel) may be subject to personal suits. The Administrative Procedures Act, enacted in 1948, provides for two exceptions in which military personnel are not protected from suit. The first is when they act beyond their statutory powers, and the second is when the powers themselves are shown to be constitutionally void. Thus, environmental suits may be brought against an official alleging that he acted as an individual and not as a government official, that the power conferred on the official was unconstitutional, or that the person exceeded his authority.

LESSON 2

PRACTICE EXERCISE

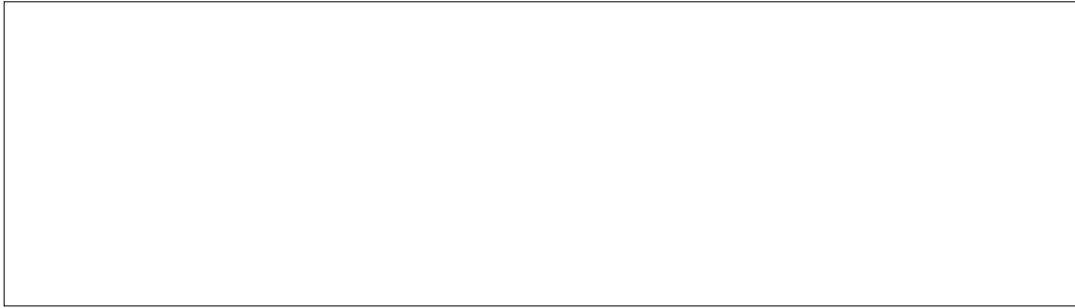
The following items will test your grasp of the material covered in this lesson. When you have completed the exercise, check your answer with the [answer key](#) below. If you answer any item incorrectly, study again that part which contains the portion involved.

- 1 Briefly list and discuss the purpose of each of the seven federal environmental laws that may affect your activities daily.

- 2 List and discuss the four types of environmental laws and regulations affecting a soldier's action and an installation's environmental policy.

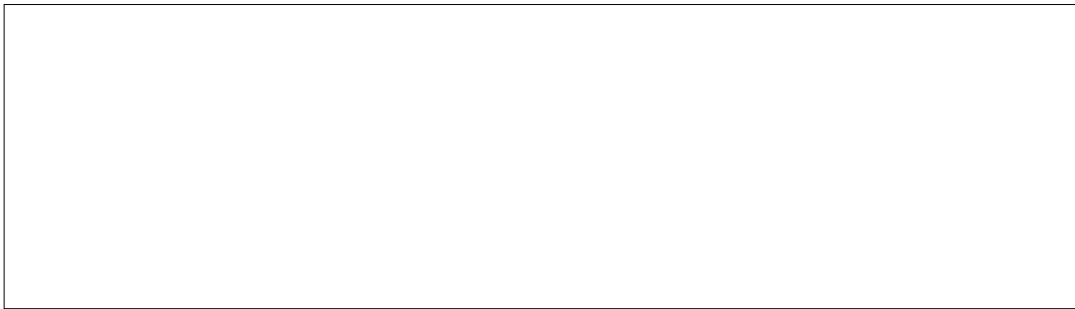
3 What kinds of penalties can be assessed for violating environmental laws?

.

A large, empty rectangular box with a thin black border, intended for the user to write their answer to question 3.

4 What additional kinds of penalties are there for violating environmental laws?

.

A large, empty rectangular box with a thin black border, intended for the user to write their answer to question 4.

5 Describe sovereign immunity.

.

A large, empty rectangular box with a thin black border, intended for the user to write their answer to question 5.

PRACTICE EXERCISE
ANSWER KEY AND FEEDBACK

- 1 Briefly list and discuss the purpose of each of the seven federal environmental laws that may affect your activities daily.

The NEPA requires the Army to determine the environmental impacts of proposed actions. If the proposed action will harm the environment, the Army must develop a plan to eliminate or minimize the damage.

The RCRA governs how the Army identifies, transports, stores, and disposes of HM and HW. The RCRA places cradle-to-grave responsibility for HW on the personnel or units generating the waste. It also governs recycling and reuse of nonhazardous materials and wastes.

The CWA applies to facilities that put pollutants into bodies of water. The CWA affects groundwater, storm water, surface water (lakes, rivers, and streams), marshes, swamps, wetlands, coastlines, and navigable waterways.

CAA was passed in 1970 and amended in 1977 and 1990. Purpose. The CAA requires the Army to prevent, control, and/or reduce air pollution from nontactical vehicles, facilities, and operations.

The NHPA seeks to help safeguard against the loss of irreplaceable historical, archeological, and cultural properties, especially those on federal lands. The NHPA requires Army installations to identify, protect, and preserve possible archaeological resources, historical sites, artifacts, and structures, that are located on its installations.

The ESA protects threatened and endangered plants and animals. Army installations often include natural areas that are the last remaining refuge for endangered plants and animals. Almost every military training area has some endangered species.

The FFCA determines how environmental laws affect military installations. It allows regulatory agencies to impose civil fines and administrative actions on other federal agencies, including the Army, for solid-waste and HW violations.

- 2 List and discuss the four types of environmental laws and regulations affecting a soldier's action and an installation's environmental policy.

Soldiers should understand that there are basically four types of environmental laws and regulations that affect installation environmental policy. These are HN, federal, state, and local laws. Army installations do not make up the rules that they must follow. The US Congress enacts laws to address environmental problems that citizens express concern over. The departments and agencies of the

federal government than carry out these laws. Additionally, state and local government enact environmental laws. Army installations are subject to federal, state, and local environmental laws. Installations located in foreign countries must obey HN laws. It is important for soldiers and their leaders to understand that environmental policies will change from one installation to another, depending on the applicable laws. Although it may be confusing, there are reasons that installation policies differ. Because of these differences, it is also important that soldiers know how to determine the installation's environmental policies.

3 What kinds of penalties can be assessed for violating environmental laws?

Military personnel violating environmental laws (accidentally or intentionally) can be-

- Prosecuted in federal, state, or municipal courts.
- Prosecuted under the UCMJ.
- Sentenced from 1 to 15 years in federal, state, or military prison.
- Fined from \$10,000 to \$25,000 per day of violation.

These fines are not paid by the military; they are paid for from the soldier's paycheck. The soldier who violates the environmental statute while performing official duties can still be held personally liable.

4 What additional kinds of penalties are there for violating environmental laws?

Some state and local governments have additional environmental laws. Actions that are allowed by the environmental laws of one state may be illegal in another state. The installation EC knows what state laws apply to your installation. Many of the countries that you might deploy to also have different environmental requirements. Army units in foreign countries must follow the environmental guidelines of the HN. When units deploy to other states or countries, your leaders should inform you of changes in environmental requirements.

Federal and state environmental regulatory agencies can impose penalties on the Army for violating environmental laws. These penalties include fines, increased monitoring and intervention by environmental regulators, and damage awards from lawsuits.

Describe sovereign immunity.

Litigation directed against a defense agency or one of its agents may be barred by the doctrine of sovereign immunity. The courts maintain that the public hires the government to pass lawful, constitutional actions or lawfully made discretionary decisions are what the public hires the government to do. Therefore, to change such actions or decisions, someone who objects to them must get Congress to change the law.

LESSON 3

ENVIRONMENTAL PROGRAM

OVERVIEW

LESSON DESCRIPTION:

The Army's environmental program provides a comprehensive approach to environmental management. In this lesson, you will learn about the program's quality goals, its four components, and its organizations, to include the Environmental Quality-Control Committee (EQCC) and the role and responsibilities of the EC. To make the program a success, you should remain conscious of and strive to achieve the environmental quality goals.

TERMINAL LEARNING OBJECTIVE:

- ACTION:** You will identify and discuss the Army's environmental program quality goals, identify agencies available for help with environmental problems, discuss the role and responsibilities of the EC, and indicate what leaders must do to set up an effective unit spill-prevention program.
- CONDITION:** You will be given the material contained in this lesson.
- STANDARD:** You must complete the lesson and the practice exercise.
- REFERENCES :** The material contained in this lesson was derived from AR 200-1, AR 200-2, and TC 20-401.

INTRODUCTION

Army leadership is committed to its role as a steward of the environment. The strategy calls upon the Army community and other functional areas to fully recognize the link between mission accomplishment and environmental stewardship and to ensure that environment and stewardship are an integral part of every facet of the Army mission.

3-1. Program Quality Goals. The Army's overall environmental goal is to plan, initiate, and carry out all actions and programs to minimize adverse affects on the quality of the human environment without impairing the Army's mission. There are seven environmental program quality goals. The Army will-

- Demonstrate leadership in environmental protection and improvement.
- Minimize adverse environmental and health impacts while maximizing readiness and strategic preparedness.
- Assure that consideration of the environment is an integral part of Army decision-making.
- Initiate aggressive action to comply with all applicable HN, federal, state, regional, and local environmental laws.
- Restore lands and waters damaged through our past waste-disposal activities.
- Support Army programs for recycling and reuse of materials to conserve natural resources, prevent pollution, and minimize the generation of wastes.

- Pursue an active role in addressing environmental-quality issues in our relations with neighboring communities.

3-2. Program Organization. The Army's environmental program has four components-conservation, restoration, compliance, and prevention. The program specifies the agencies to assist you in solving environmental problems that you may encounter with these components. This paragraph covers the organizational structure of the Army's environmental program, to include the role and responsibilities of the installation EC.

a. Environmental Offices. At installation level, the environmental program is managed within the directorate of public works (DPW)(or other directorate containing installation-support engineering services). Within this directorate is an environmental office headed by an EC. The EC may or may not have technical and support staff, depending on the size of the installation and the magnitude of its environmental problems. At some installations, natural-resource programs are included in the environmental (pollution control) organization; at others, they may be separate.

b. Environmental and Natural-Resource Office. The installation environmental and natural-resource officer advises commanders and staff personnel on environmental protection, compliance, and regulation. His duties require him to coordinate with other agencies on the installation that can be of assistance to the installation's environmental-management programs. This office also manages the installation's environmental programs.

c. Master-Planning Office. The installation master planner is responsible for planning conditions and facilities for the installation in accordance to missions, force structure, and technological advancements for the next 20 years. The master planner maintains maps, records, and reports for this planning process. He has current information on the installation's training areas and on plans for their future development.

d. Installation EQCC. AR 200-1 requires installations to establish an EQCC. This committee acts on a broad range of environmental issues (covered in AR 200-1) and advises the installation commander on environmental priorities, policies, strategies, and programs. The EQCC consists of the installation commander (or designated representative) who chairs the committee; the DPV who acts as the executive secretary; the director of each major staff section; and representatives from medical, safety, range control, resource management, supply, reutilization and marketing, logistics, and public affairs.

e. Directorate of Plans, Training and Mobilization (DPTM). The DPTM (or similar directorate) is the installation's operations and training office. It coordinates all training activities, including budgeting, developing and maintaining training areas, and determining mission priorities. The range-control officer is assigned to the DPTM.

f. Range-Control Division. The range officer is the chief of the range division and has overall responsibility for developing and managing the installation's training ranges. The range-control officer is the range officer's primary assistant. The range-control officer is in charge of range operations, to include maintaining and enforcing regulations, coordinating and scheduling daily range operations, and providing range data to using units.

g. Forestry Division and Fish and Wildlife Division Office. The installation forester is responsible for the forestry program at the installation. Most of an installation's forests are normally in training areas; therefore, any training activities that affect the forestry program and regulations concern this office. The fish and wildlife officer is responsible for the fish and wildlife management programs on the installation. These offices are often part of the DPW or range-control division.

3-3. Environmental Coordinator Role and Responsibilities. The EC monitors activities to ensure that they remain in compliance with environmental laws and regulations. The EC works in the environmental and natural resources division (ENRD) or the DPW. The EC develops management plans for environmental-control aspects of many facilities and operations, recommends appropriate training (including unit HW coordinations), and provides in-house guidance to operations. The coordinator may or may not have technical and support staff, depending on the size of the installation and the magnitude of its environmental problem.

a. Relations With Other Installation Organizations. The EC functions much as a staff officer, overseeing environmental management at the installation and advising the commander accordingly. Not all of the environmental work on the installation is the EC's responsibility.

(1) Proponents of actions are responsible for meeting environmental documentation requirements according to AR 200-2. The EC assists the proponent through such means as guidance, counseling, securing sources of special expertise, and possibly aiding directly in the preparation of documents if time is available.

(2) Organizations that generate pollution must ensure that pollution-control equipment is used. They must also ensure that pollution-generating activities follow all appropriate work practices. This includes reporting according to installation spill plans. The engineering division constructs, operates, and staffs major water and wastewater treatment facilities servicing the entire installation. Other organizations may be responsible for such pollution control as cleaning paint-booth air filters, operating vehicle washracks, and maintaining HW accumulation sites and records. The EC develops management plans for environmental-control aspects of all such facilities and operations, recommends appropriate training for facility operators, and provides in-house guidance to operators (to include monitoring as staffing allows).

(3) The EC may also prepare land and natural cultural resource-management plans, which then must be implemented by all organizations on post. Some installations put some aspects of natural-resource management in separate offices.

(4) The EC must be able to successfully use services of procurement, civilian personnel and legal offices and proactively cooperate with safety, medical, and fire departments.

(5) The EC must work with the training organizations within Civilian Personnel Office (CPO) and the DPTM secure adequate training for those personnel involved in the overall installation environmental programs, in both troop units and activities and installation staff. The environmental office is responsible for certain aspects of training associated with HW management and spill response.

b. Areas of Responsibility. As outlined in AR 200-1, the responsibilities of the EC include oversight of some operations that the engineering directorate may directly control and others that the EC monitors in a staff capacity.

3-4. Unit-Level Environmental Programs. To set up an effective unit environmental program, the unit leaders must understand Army and installation programs. The following are environmental programs that the unit should establish (in-house) or support (installation):

a. Hazardous-Material Management Program. The goals are to minimize health hazards and environmental damages caused by the use and misuse of HM and complies with applicable toxic-substance regulations. The definition of HM varies by federal, state, and local regulations. In your unit, it is any substance or material which causes a threat to human health or the environment or whose storage, transportation, use, or disposal is regulated by federal, state, or local environmental law. The program is established at installation level. If your unit deals with HM, you should-

- Ensure the best management practices for all HM.
- Comply with all applicable regulations.
- Not stockpile HM; order and use only what is required.
- Use nonhazardous substitutes to the maximum extent practicable.
- Conserve resources through recovery, recycling, and reuse.
- Establish procedures to identify and correct management deficiencies.
- Establish a training program and ensure that required personnel are properly trained.
- Ensure that adequate spill-prevention and spill-control equipment are on hand.
- Coordinate training requirements with the chain of command and the installation environmental office/safety officer.
- Comply with chain of command and installation HM requirements.
- Ensure batteries are disposed of in compliance with battery disposal procedures.
- Establish HM spill procedures.
- Establish HM fire/explosion procedures.
- Ensure that adequate protective equipment is available.

b. Hazardous- and Solid-Waste Management Program. The goals are to protect the public health by minimizing the generation of hazardous and solid wastes, developing cost-effective waste-management practices, saving energy, and conserving natural resources. A HW is defined as waste that poses a substantial hazard to human health or the environment because of its quantity and concentration. If your unit deals with HW, you should-

- Establish a HW management program to comply with HW regulations.
- Ensure that HW is properly identified. The correct danger and warning signs must be present on stored waste, and the containers that hold HW must be properly labeled.
- Ensure that wastes do not accumulate beyond allowable quantity and time limits.
- Maintain proper HW records as required by EPA.
- Ensure compliance with on-post HW transportation requirements. Contact the installation defense reutilization and marketing office (DRMO) or the directorate of logistics (DOL) for details.

- Ensure compliance with off-post HW transportation requirements. Public road use increases transportation requirements. Contact the installation DOL/facilities management office (FMO) for movement approval.
- Ensure that drivers transporting HW are qualified. Transporters of HM must be trained according to Department of Transportation (DOT) regulations.
- Establish a HW training program, and ensure that the proper training of personnel occurs. Most installations conduct HW train-the-trainer programs.
- Maintain liaison with key chain-of-command and installation personnel.
- Appoint an environmental compliance officer for your unit.
- Ensure that the unit environmental compliance officer has sufficient support to carry out his duties.
- Ensure that unit personnel use their personal-protective equipment (PPE) when handling HW.
- Ensure that adequate spill-prevention and spill-control equipment is on hand.
- Ensure that unauthorized storage or disposal of HW does not occur. HW must be stored in authorized containers and disposed of as directed by the environmental office/DRMO.

c. Hazardous Communications. An effective hazardous-communication (HAZCOM) program will assist leaders in determining what hazardous chemicals are present in their units, how to protect their soldiers from hazards those chemicals present, and how to properly store and use those chemicals. The installation safety officer is the point of contact (POC) for most HAZCOM matters program, and the HAZCOM training program. In support of HAZCOM, unit leaders should-

- Ensure that their subordinates receive adequate training on HM they are exposed to in the workspace (Occupational Safety and Health Act [OSHA] requirement).
- Maintain an up-to-date list of all HM/HW known to be present in their area.
- Ensure that containers of hazardous substances are labeled, tagged, or otherwise marked to identify the material and warn soldiers of hazards.
- Maintain an MSDS for every HM in their unit.
- Ensure that soldiers are trained to recognize, understand, and use MSDSs and labels for the HM they use.
- Ensure that soldiers use proper procedures when working with hazardous substances.

d. Pollution Prevention. The goal is to reduce our reliance on products or processes that generate environmentally degrading impacts. The objective of the pollution-prevention program is to reduce or eliminate the impact on the total environment.

Unit leaders should ensure that their units conduct inventory control. A unit should not stockpile HM. If an HM has an expired shelf life, it can cost much more to dispose of the item than it did to obtain it. The HM will have to be handled as an HW.

Product substitution is an easy way to reduce HW generation. Unit personnel should review the HM inventory in their areas and determine if there are substitutes available that are nonhazardous or less hazardous. Examples would be using solvent or replacing the sand used in sandblasting operations with plastic beads, which last longer and can be recycled.

A process change can reduce the amount of HW generated. Using a vapor degreaser could be replaced by using a soap-and-hot-water parts cleaner. Changing processes in painting operations can reduce overspray and pollution. However, the water still needs to be treated as HW, since paint particles can become waste material.

e. Recycling Program The Army is promoting increased use of product separation, substituting materials, changing procedures to avoid the use of hazardous substances (source reduction), and recycling to reduce the volume of solid waste. Most installations have a recycling program. To support that program, personnel should-

- Ensure that all recyclable materials are being recycled. Recyclable materials include computer printouts, corrugated cardboard, computer punch cards, newspaper, high-grade white paper, aluminum cans, plastics, oil, solvents, glass, steel, and brass. Check with the installation environmental office to verify the material being recycled for your location.
- Ensure that recycling materials are source-separated. Contaminated material must be removed from recyclables.

f. Spill-Prevention and Spill-Response Plan. It is an Army policy and a CWA requirement to prevent spilling oil and hazardous substances and to provide prompt response to contain and clean up spills. The CWA prohibits discharging oil or hazardous substances from installations, vehicles, aircraft, or watercraft into the environment without a discharge permit. Exceptions will be made in cases of extreme emergency where the discharge is considered essential to protect human life. Every reasonable precaution should be taken to prevent spills of oil or hazardous substances. The unit leader should-

- Ensure that facilities are provided to store, handle, and use oils and hazardous substances and that proper safety and security measures are implemented.
- Appoint a spill coordinator and members for the unit's spill-response team. This designation should be in writing.
- Maintain an up-to-date spill-response plan. (This is an installation requirement.)
- Conduct periodic spill-response drills.
- Ensure that sufficient equipment and supplies (absorbent materials) for spill responses are on hand and pre-positioned in the unit.
- Locate all drains, drainage ditches, streams, ponds, and so forth in the area; and plan how to prevent a spill from reaching them.
- Coordinate with the installation safety, preventive medicine, and environmental offices to determine the proper PPE; when to clean up a spill, and when to leave the area and contact the installation spill-response team for cleanup. This will be determined by the installation environmental office and/or spill-response team.
- Maintain a copy of the ISCP. Some of the information you will need is contained in this plan, and the data is available from the environmental office.
- Maintain a current list of names and phone numbers of those who may need to be contacted (fire department, safety, provost marshal, preventive medicine, environmental, and so forth).
- Maintain an up-to-date inventory of all HM/HW; provide a copy to the post fire department so that they can use it in case of a chemical fire.
- Ensure that pollutants are not discharged into storm or washrack drains or poured on the ground.

- Ensure that small spills are properly attended to, cleaned up, and collected. Dispose of contaminated soil properly. Contact the installation environmental office for additional information.
 - Ensure that treatment of waste oil complies with all applicable federal, state, and local requirements.
 - Ensure that wastes produced during the cleaning of fuel storage tanks and combustion-engine components are collected and treated to required levels before discharge.
 - Ensure that oil, fuel, and other hazardous-pollutant spills are reported to the environmental office and higher headquarters. The battalion Supply Officer (US Army) (S4) and the post environmental office can provide information on reportable spill quantities.
 - Establish a training program and ensure that required personnel are properly trained.
-

LESSON 3

PRACTICE EXERCISE

The following items will test your knowledge of the material covered in this lesson. When you have completed the exercise, check your answer with the [answer key](#) below. If you answer any item incorrectly, study again that part of the lesson containing the portion involved.

- 1 Identify and discuss the seven environmental program quality goals.

.

- 2 Identify eight offices or agencies that are available to assist you in solving environmental problems.

.

a.

b.

c.

d.

e.

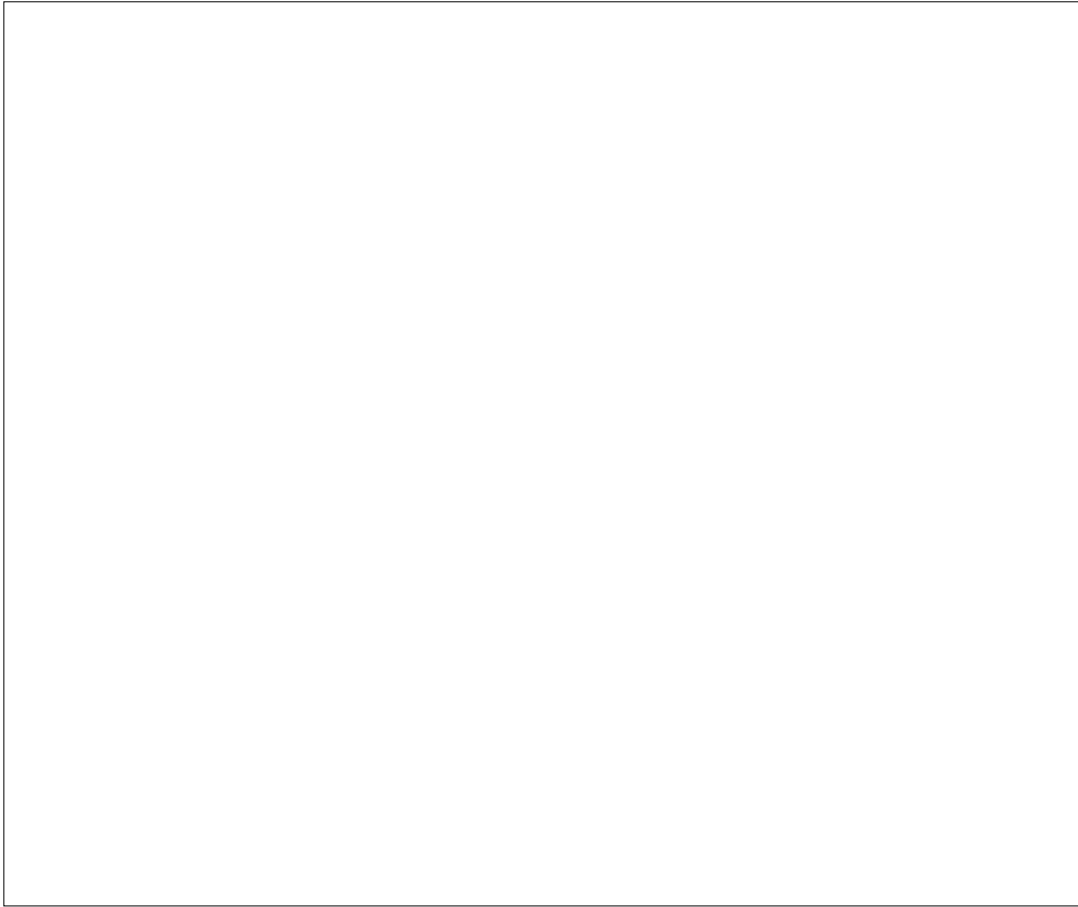
f.

h.

i.

3 Discuss the role and responsibilities of the EC.

.

A large, empty rectangular box with a thin black border, intended for the student to write their answer to the question.

4 What must leaders do to set up an effective unit spill-prevention program?

.

A large, empty rectangular box with a thin black border, intended for a handwritten or typed answer to the question above it.

PRACTICE EXERCISE
ANSWER KEY AND FEEDBACK

- 1 Identify and discuss the seven environmental program quality goals.

Program Quality Goals. The Army's overall environmental goal is to plan, initiate, and carry out all actions and programs to minimize adverse affects on the quality of the human environment without impairing the Army's mission. There are seven program quality goals, the Army will-

- Demonstrate leadership in environmental protection and improvement.
- Minimize adverse environmental and health impacts while maximizing readiness and strategic preparedness.
- Assure that consideration of the environment is an integral part of Army decision-making.
- Initiate aggressive action to comply with all applicable HN, federal, state, regional, and local environmental laws.
- Restore lands and waters damaged through our past waste-disposal activities.
- Support Army programs for recycling and reuse of materials to conserve natural resources, prevent pollution, and minimize the generation of wastes.
- Pursue an active role in addressing environmental-quality issues in our relations with neighboring communities.

- 2 Identify eight offices or agencies that are available to assist you in solving environmental problems.

- a. DPW
- b. Environmental and Natural-Resource Office
- c. Master Planning Office
- d. EQCC
- e. DPTM
- f. Range Control Division
- h. Forestry Division
- i. Fish and Wildlife Division Office

- 3 Discuss the role and responsibilities of the EC.

The EC monitors activities to ensure that they remain in compliance with environmental laws and regulations. The EC works in the ENRD or the DPW. The EC develops management plans for environmental control aspects of many facilities and operations, recommends appropriate training (including unit HW coordinations), and provides in-house guidance to operations. The coordinator may or may not have technical and support staff depending on the size of the installation and the magnitude of its environmental problem.

The EC functions much as a staff officer, overseeing environmental management at the installation and advising the commander accordingly. Not all the governmental work on the installation is the EC's responsibility.

Proponents of actions are responsible for meeting environmental documentation requirements, according to AR 200-2. The coordinator assists the proponent through such means as guidance, counseling, securing sources of special expertise, and possibly aiding directly in preparation, if time is available.

Organizations that generate pollution must ensure that pollution-control equipment is used. They must also ensure that pollution-generating activities follow all appropriate work practices. This includes reporting according to installation spill plans. The engineering division constructs, operates, and staffs major water and wastewater treatment facilities servicing the entire installation. Other organizations may be responsible for such pollution control as cleaning paint-booth air filters, operating vehicle washracks, and maintaining HW accumulation sites and records. The EC develops management plans for environmental-control aspects of all such facilities and operations, recommends appropriate training for facility operators, and provides in-house guidance to operators (to include monitoring as staffing allows).

The EC may also prepare land and natural cultural resource-management plans, which then must be implemented by all organizations on post. Some installations put some aspects of natural-resource management in separate offices.

The EC must be able to successfully use the services of procurement, civilian personnel, and legal offices, and proactively cooperate with safety, medical, and fire departments.

The EC must work with the training organizations within CPO and the DPTM to secure adequate training for those personnel involved in the overall installation environmental programs, unit activities and installation staff. The environmental office is responsible for aspects of planning training associated with HW management and spill response.

Areas of responsibility. As outlined in AR 200-1, the responsibilities of the EC include oversight of some operations that the engineering directorate may directly

control and others that the EC monitors in a staff capacity.

4 What must leaders do to set up an effective unit spill-prevention program?

Spill-Prevention and Spill-Response Plan. It is an Army policy and a CWA requirement to prevent spilling oil and hazardous substances and to provide prompt response to contain and clean up spills. The CWA prohibits discharging oil or hazardous substances from installations, vehicles, aircraft, or watercraft into the environment without a discharge permit. Exceptions will be made in cases of extreme emergency where the discharge is considered essential to protect human life. Every reasonable precaution should be taken to prevent spills of oil or hazardous substances. The unit leader should-

- Ensure that facilities are provided to store, handle, and use oils and hazardous substances and that proper safety and security measures are implemented.
- Appoint a spill coordinator and members for the unit's spill-response team. This designation should be in writing.
- Maintain an up-to-date spill-response plan. (This is an installation requirement.)
- Conduct periodic spill-response drills.
- Ensure that sufficient equipment and supplies (absorbent materials) for spill responses are on hand and prepositioned in the unit.
- Locate all drains, drainage ditches, streams, ponds, and so forth in the area; and plan how to prevent a spill from reaching them.
- Coordinate with the installation safety, preventive medicine, and environmental offices to determine the proper PPE; when to clean up a spill, and when to leave the area and contact the installation spill-response team for cleanup. This will be determined by the installation environmental office and/or spill-response team.
- Maintain a copy of the ISCP. Some of the information you will need is contained in this plan, and the data is available from the environmental office.
- Maintain a current list of names and phone numbers of those who may need to be contacted (fire department, safety, provost marshal, preventive medicine, environmental, and so forth).
- Maintain an up-to-date inventory of all HM/HW; provide a copy to the post fire department so that they can use it in case of a chemical fire.
- Ensure that pollutants are not discharged into storm or washrack drains or poured on the ground.
- Ensure that small spills are properly attended to, cleaned up, and collected.
- Dispose of contaminated soil properly. Contact the installation environmental office for additional information.
- Ensure that treatment of waste oil complies with all applicable federal,

state, and local requirements.

- Ensure that wastes produced during the cleaning of fuel storage tanks and combustion-engine components are collected and treated to required levels before discharge.
 - Ensure that oil, fuel, and other hazardous-pollutant spills are reported to the environmental office and higher headquarters. The battalion 4 and the post environmental office can provide information on reportable spill quantities.
 - Establish a training program and ensure that required personnel are properly trained.
-

LESSON 4

ENVIRONMENTAL TRAINING

OVERVIEW

LESSON DESCRIPTION:

In this lesson, you will learn about various environmental training aspects, who should receive training, and the sources for environmental training. There is a variety of environmental training available at each installation. This training is coordinated by the installation environmental office and is normally federal- and state-specific. Other environmental training is part of the soldier's career development.

TERMINAL LEARNING OBJECTIVE:

ACTION: You will discuss environmental training and why it is important, list and define environmental training, and explain awareness training.

CONDITION: You will be given the material contained in this lesson.

STANDARD: You must complete the lesson and the practice exercise.

REFERENCES : The material contained in this lesson was derived from ARs 200-1 and 200-2, DA Pam 351-20, and TC 20-401.

INTRODUCTION

The Army's peacetime mission is to prepare all Army components (Active, Reserve, and National Guard) to fight and win. The major concern is to ensure that soldiers and units are trained to accomplish their mission and survive. While protecting the environment, training must ensure the well-being of the soldiers that are being trained. Directed training, such as environmental protection, will be provided to all soldiers. This lesson assists leaders in determining who should receive training and what types and sources of training are available.

4-1. Environmental Training. Almost everyone wants to protect the environment and tries to comply with applicable laws and regulations. In fact, there are very few cases that involve intentional noncompliance. There are, however, a large number of environmental-enforcement actions based on mistakes or accidents. Remember, ignorance of the law is no excuse. Installations should ensure that their personnel are well informed and trained.

a. The most basic steps to environmental compliance are training and awareness. TRADOC is developing a training plan to provide all Army military and civilian personnel with adequate and applicable training courses that are consistent with federal, state, local, and HN regulatory requirements.

b. Although some environmental requirements prescribed in federal, state, or local regulations are equivalent to tasks the Army must train, they typically are stated in terms of the individual who performs them. Often, the Army does not centrally define what individuals should perform specific environmental tasks. For example, ARs 200-1 and 200-2 refer to organizations that are responsible for performing regulatory tasks, as well as Army- or DOD-defined management tasks. Depending on the

installation or facility, the person at that organization who actually performs these tasks might be a civilian in any number of job series or position titles or a soldier in any of several military occupational specialties (MOSs), units, or command levels. In addition, many persons performing such tasks are not part of an environmental office. Thus, unlike the typical military training process, in which tasks, performers, and numbers of performers that require training are well defined the environmental program is at the early stages of this type of definition process. Therefore, the first effort for long-range improvement of environmental training in the Army is to define tasks in the context of who performs them.

c. Environmental training needs to be provided to several groups at an Army installation.

(1) Soldiers and civilian employees need to know how to accomplish their tasks in such a way that they comply with environmental regulations. This can be done by on-the-job training and by following SOPs that address environmental requirements in detail.

(2) All supervisors need training to increase their awareness of their overall responsibilities to comply with environmental laws and regulations and understand how their decisions can influence the installation's compliance status. Supervisors, with assistance from the installation environmental-compliance officer, need to-

- Determine how to manage their operations so that they are consistent with applicable environmental laws and regulations.
- Identify actions needed to comply with environmental laws and regulations.
- Determine training requirements.

(3) Some specific training is required by law. The RCRA and OSHA delineate training requirements for some personnel, such as personnel who handle HM.

Supervisors should determine who needs such training and ensure that personnel are trained. This also requires that training files be maintained on those personnel requiring environmental training.

4-2. Unit Environmental Training. The most urgent training areas are individual awareness and specialized environmental training. This training can provide immediate savings through reduced violation while promoting environmental ethics and knowledge.

a. Requirements.

(1) Awareness Training. To establish an environmental ethic among soldiers, all military personnel should have environmental-awareness training. This training should occur as early as possible in the soldier's career and be reinforced as he progresses professionally.

(2) Specialized Training. This training is based on certain duties and responsibilities. Specialized training relates to the soldier's MOS and requires special team training.

b. Sources. Training sources are institutional, ACCP, unit sustainment, installation, and proponent schools.

(1) Institutional. Resident service schools provide awareness training to soldiers who attend the following course areas:

- Leader development.
- Technical training
- Self-development

(2) ACCP. This is a self-study program offered by the Army. Listed below are environmental-specific ACCPs that can be requested through DA Pam 351-20. They are delivered in two configurations, a standard print with video and a multimedia computer-based instruction (CBI) version.

- *Defense Hazardous Material/Waste Handling Course.*
- *Hazardous Materials. A Citizen's Orientation.*
- *Hazardous Materials Handling (School of Military Packaging Technology [SMPT]-5).*
- Engineer (EN) 5700, *Junior Enlisted Environmental Awareness Training.*
- EN 5702, *Small Unit Leaders Environmental Awareness Training.*
- EN 5704, *Senior Leaders Environmental Awareness Training.*
- Judge Advocate (JA) 123, *Legal Basis of Command: Environmental Law.* (See chapter 4 for request)
- Medical (MD) 0072, *Environmental Injuries.* (See chapter 4 for request)
- Quartermaster (QM) 0492, *Ecology and Oil Spills.*
- QM 3310, *Environmental Protection.*
- QM 3502, *Manage Environmental Pollution Control Program.*
- Transportation Regulation (TR) 1030, *Supervise the Land Transport of Hazardous Materials.*

(3) Unit Sustainment. Commanders at all levels should develop their own training program. To support unit sustainment training, several products have been developed and are located in the training support centers located on each installation. These training products should-

- Stress before-, during-, and after-operation checks to prepare units for field-training exercises.
- Prepare unit personnel to face environmental issues and eliminate environmental constraints that affect their mission.
- Ensure that unit personnel are fully aware of their responsibility as stewards of the environment.
- Focus on HM/HW storage, transportation, handling, disposal, spill-prevention, reporting, and cleanup; pollution prevention/best management practices; and unit self-assessment.

(4) Installation. Installation environmental training is provided by the installation environmental office, and this office should provide training to subordinate unit leaders and installation personnel on-

- Specific installation-compliance requirements.
- Natural and cultural awareness.
- Specific unit environmental-compliance officer duties.

(5) Proponent Schools. The following are training institutions that provide or develop environmental training:

- US Army Engineer Center and Fort Leonard Wood, Missouri, is the proponent for soldier and unit-level environmental training.
- US Army Logistics Management College, Fort Lee, Virginia, provides managerial courses, including HW management.
- Center for Environmental Initiatives and Hands-On Training (CEIHOT), Fort Sill, Oklahoma, provides resident and mobile training teams for environmental training, such as lead-based paint, asbestos removal, and spill response.

LESSON 4

PRACTICE EXERCISE

The following items will test your knowledge of the material covered in this lesson. When you have completed the exercise, check your answer with the [answer key](#) below. If you answer any item incorrectly, study again that part of the lesson containing the portion involved.

- 1 Discuss environmental training and why it is important.

.

- 2 List and define environmental training that should be provided to different groups at an Army installation.

.

- 3 Explain awareness training.

.

PRACTICE EXERCISE
ANSWER KEY AND FEEDBACK

- 1 Discuss environmental training and why it is important.

Almost everyone wants to protect the environment and tries to comply with applicable laws and regulations. In fact, there are very few cases that involve intentional noncompliance. There are, however, a large number of environmental-enforcement actions based on mistakes or accidents. Remember, ignorance of the law is no excuse. Installations should ensure that their personnel are well informed and trained.

The most basic steps to environmental compliance are training and awareness. TRADOC is developing a training plan to provide all Army military and civilian personnel with adequate and applicable training courses that are consistent with federal, state, local, and HN regulatory requirements.

Although some environmental requirements prescribed in federal, state, or local regulations are equivalent to tasks the Army must train, they typically are stated in terms of the individual who performs them. Often the Army does not designate specific individuals who should perform specific environmental tasks. For example, ARs 200-1 and 200-2 refer to organizations that are responsible for performing regulatory tasks, as well as Army- or DOD-defined management tasks. Depending on the installation or facility, the person who actually performs these tasks might be a civilian in any number of job series or position titles, or a soldier in any of several MOSs, units, or command levels. Thus, unlike the typical military training process, in which tasks, performers, and numbers of performers that require training are well defined, the environmental program is at the early stages of this type of definition process. Therefore, the first effort for long-range improvement of environmental training in the Army is to define tasks in the context of who performs them.

- 2 List and define environmental training that should be provided to different groups at an Army installation.

Soldiers and civilian employees need to know how to accomplish their tasks in such a way that they comply with environmental regulations. This can be done by on-the-job training and by following SOPs that address environmental requirements in detail.

Supervisors, with assistance from the installation environmental-compliance officer, need to-

- Determine how to manage their operations so that they are consistent with applicable environmental laws and regulations.

- Identify actions needed to comply with environmental laws and regulations.
- Determine training requirements.

Some specific training is required by law. The RCRA and OSHA delineate training requirements for some personnel, such as personnel who handle HM. Supervisors need to determine who needs such training and ensure that personnel are trained. This also requires that training files be maintained on those personnel requiring environmental training.

3 Explain awareness training.

All supervisors need training to increase their awareness of their overall responsibilities to comply with environmental laws and regulations and understand how their decisions can influence the installation's compliance status.

APPENDIX A

LIST OF COMMON ACRONYMS

AR	Army regulation
ACCP	Army Correspondence Course Program
AEC	Army Environmental Center
AFR	Air Force regulation
AIPD	Army Institute for Professional Development
AMEDD	Army Medical Department
APO	Army Post Office
Attn	attention
AWR	answer weight reference
CAA	Clean Air Act
CBI	computer-based instruction
CEIHOT	Center for Environmental Initiatives and Hands-On Training
CFR	Code of Federal Regulations
CONUS	continental United States
CPO	civilian personnel office
CT	Connecticut
CWA	Clean Water Act
DA	Department of the Army
DC	District of Columbia
DETC	Distance Education and Training Council
DINFOS	Defense Information School

DOD	Department of Defense
DOL	directorate of logistics
DOT	Department of Transportation
DPTM	directorate of plans, training, and mobilization
DPW	directorate of public works
DRMO	defense reutilization and marketing office
DSN	Defense Switching Network
EC	environmental coordinator
ed	editor(s)
EN	engineer
ENRD	environmental and natural-resource division
EPA	Environmental Protection Agency
EQCC	Environmental Quality-Control Committee
ESA	Endangered Species Act
FFCA	Federal Facilities Compliance Act
FM	field manual
FMO	facilities management office
HAZCOM	hazardous communication(s)
HM	hazardous material
HN	host nation
HW	hazardous waste
ICE	Interservice Correspondence Exchange
inc	incorporated

IPD	Institute for Professional Development
ISCP	installation spill contingency plan
JA	Judge Advocate
JAG	Judge Advocate General
Jan	January
JFK	John Fitzgerald Kennedy
MI	Michigan
MI	middle initial
MD	Maryland
MD	Medical
MO	Missouri
MOS	military occupational specialty
MSDS	material safety data sheet
NCO	noncommissioned officer
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOV	notice of violation
NY	New York
OCONUS	outside the continental United States
OSHA	Occupational Safety and Health Act
PA	Pennsylvania
pam	pamphlet
POC	point of contact

POV	privately owned vehicle
PPE	personal-protective equipment
REG	regulation
QM	Quartermaster
RCOAC	Reserve Officer Advanced Course
RCRA	Resource Conservation and Recovery Act
RS	resource
RYE	retirement year ending
S4	Supply Officer (US Army)
SGT	sergeant
SMPT	School of Military Packaging Technology
SOP	standing operating procedures
SSN	social security number
TC	training circular
TM	technical manual
TR	Transportation regulation
TRADOC	United States Army Training and Doctrine Command
UCMJ	Uniform Code of Military Justice
US	United States
VA	Virginia

APPENDIX B

RECOMMENDED READING LIST

The following publications provide additional information about the material in this subcourse. You do not need these materials to complete this subcourse.

- ACCP *Defense Hazardous Material/Waste Handling Course*.
- ACCP *Hazardous Materials: A Citizen's Orientation*.
- ACCP *Hazardous Materials Handling, SMPT-5*.
- ACCP EN 5700. *Junior Enlisted Environmental Awareness Training*.
- ACCP EN 5702. *Small Unit Leaders Environmental Awareness Training*.
- ACCP EN 5704. *Senior Leaders Environmental Awareness Training*.
- JA 123. *Legal Basis of Command: Environmental Law*.
- MD 0072. *Environmental Injuries*.
- ACCP QM 0492. *Ecology and Oil Spills*.
- ACCP QM 3310. *Environmental Protection*.
- ACCP QM 3502. *Manage Environmental Pollution Control Program*.
- ACCP TR 1030. *Supervise the Land Transport of Hazardous Materials*.
- AEC. *Commanders Guide to Environmental Management*. October 1995.
- AR 415-11. *Air Force Contract Construction (AFR 83-3)*. 29 March 1955.
- AR 415-14. *Implementing Guarantees of Equipment Installed in Air Force Construction (AFR 35-4)*. 3 October 1963.
- AR 415-15. *Army Military Construction Program Development and Execution*. 30 August 1994.
- AR 200-1. *Environmental Protection and Enhancement*. 21 February 1997.
- AR 200-2. *Environmental Effects of Army Actions*. 23 December 1988.

- AR 200-3. *Natural Resources: Land, Forest, and Wildlife Management*. 28 February 1995.
- AR 210-20. *Master Planning for Army Installations*. 30 July 1993.
- AR 405-10. *Acquisition of Real Property and Interest Terrain*. 14 May 1970.
- AR 420-40. *Historic Preservation*. 15 April 1984.
- AR 420-49. *Utility Service*. 28 April 1997.
- AR 420-76. *Pest Management*. 3 June 1986.
- Army Corps of Engineer Catalog. *Directory of Environmental Training Courses*. May 1991.
- DA Pam 351-20. *Army Correspondence Course Program Catalog*. 1 October 1998.
- TC 20-401. *The Soldier and the Environment*. 28 January 1998.

Nonmilitary Publications

Government

- Council on Environmental Quality, *Environmental Quality: The Annual Report of the Council on Environmental Quality*, US Government Printing Office, Washington, DC, 1981.
- *Environmental Compliance Audit Seminar*, Government Institutes, Inc, Rockville, MD, 1982.
- *European Environmental Laws and Regulations*, Government Institutes Inc, Rockville, MD, 1981.
- *Environmental Glossary*, Government Institutes, Inc, Frick, G. William. ed., Washington, DC, 1980.
- *The Global 2000 Report to the President: Entering the Twenty-First Century: A Report*, US Government Printing Office, Washington, DC, 1980.
- *The National Environmental Policy Act: Cases and Materials*, Niel Orloff and George Brooks, Bureau of National Affairs, Washington, DC, 1980.

Nongovernment

- *Environmental Impact of Nonpoint Source Pollution*, Michael R. Overcash and James M. Davidson, eds, Ann Arbor Science, Ann Arbor, MI, 1980.
- *Federal Lands: A Guide to Planning, Management, and State Revenues*, Sally K. Fairfax and Carolyn E. Yale, Island Press, Washington, DC, 1987.
- *Federal Lands Policy*, Phillip O. Foss, ed, Greenwood Press, New York, NY, 1987.
- *A Guide to Hazardous Materials Management: Physical Characteristics, Federal Regulations, and Response Alternatives*, Aileen Schumaker, Quorum Books, New York, NY, 1988.
- *The Hawk's Nest Incident: America's Worst Industrial Disaster*, Martin Cherniack, Yale University Press, New Haven, CT, 1986.
- *Hazardous and Toxic Materials: Safe Handling and Disposal*, Howard H. Fawcett, John Wiley, and Sons, New York, NY, 1984.
- *Hazardous Material Dictionary*, Ronny J. Coleman and Kara Hewson William, Technomic Publishing Company, Inc, Lancaster, PA, 1988.
- *Hazardous Materials Spills Handbook*, Gary F. Bennett, ed, McGraw-Hill, New York, NY, 1982.
- *Standard Handbook of Hazardous Waste Treatment and Disposal*, Harry M. Freeman, ed, McGraw-Hill, New York, NY, 1989.